

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HONBLE DR.JUSTICE G.YETHIRAJULU

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WRIT APPEAL NO. 2175 OF 2005.

DATED: 11-11-2005

Between

1.R.Somaraju son of Durgarao, aged
47 yrs, Clerk, r/o D.No.62-8-4,
Ramdaspet, Rajahmundry and another

....Appellants

And

The Innispeta Co-operative
Urban Bank rep. By its Secretary
Rajahmundry.

...Respondent

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JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides and at their request, the main appeal itself is taken up for disposal.

The unsuccessful writ petitioners are the appellants herein who seek to assail the order dismissing the writ petition wherein the proceedings, dated 04-11-2001, of the respondent herein from reverting the petitioners was challenged.

After hearing both sides, the learned single Judge dismissed the writ petition on the ground that the promotion which was given to the petitioners was in respect of non existing posts and therefore, there is no illegality.

During the course of arguments, it is pointed out that the impugned order was passed without any notice or providing any opportunity to the appellants. In the writ affidavit, the appellants have taken a specific plea and on reading of the counter affidavit, there is no reference to any prior notice being given before orders of reversion were passed. Even the impugned order does not refer to any steps of giving notice to the appellants. In view of the same, ex-facie, the impugned orders are passed against the principles of natural justice.

In the circumstances, the writ appeal is allowed setting aside the impugned order, dated 04-11-2001. However, it shall be open for the respondent to take action as per law after giving notice and opportunity to the appellants. No costs.

B.PRAKASH RAO, J

Dated: 11-11-2005.

G.YETHIRAJULU, J

Hsd

